

COMPANY/MINE North American Equities Blozen
PERMIT # INA /007/02/

NOV/CO # 85-8-12-1
VIOLATION # 1 or 1

EVENT VIOLATIONS INSPECTORS STATEMENT

A. SERIOUSNESS

1. What harmful event was this regulation designed to prevent? Refer to the DOGM reference list of events below and remember that the event is not the same as the violation. Circle and explain each event.

- a. Activity outside the approved permit area.
- b. Injury to the public (public safety).
- c. Damage to property.
- d. Conducting activities without appropriate approvals.
- e. Environmental harm.
- f. Water pollution.
- g. Loss of reclamation / revegetation potential.
- h. Reduced establishment of a permanent, diverse and effective vegetative cover.
- i. Other.

Slumpage of material from slopes of portal pad to headout pad
possible loss of material due to erosion from heavy rainfall Possible damage
to other sediment controls on the site

2. Has the event occurred? Yes No ✓

If yes, describe it. If no, what would cause it to occur and how likely is it that it would happen.

In the event of a large storm flow from the portal pad would bypass culvert and run down slope cutting a erosion gully and possible failure of the slopes The breach in the ditch below could allow runoff to spread over the pad and possibly bypass sed ponds. Slope damage likely during heavy storm bypass of ponds slight possibility

3. Would and/or does damage extend off the disturbed and/or permit area?

DISTURBED AREA

PERMIT AREA

Would: Yes ✓
Does: Yes

No
No ✓

Would: Yes ✓
Does: Yes

No
No ✓

4. Describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not damage would extend off the disturbed and/or permit area.

Damage at this time very minimal slight erosion on slopes (< 9 inches)
Possible that area on portal pad that drains to culvert could slump or erode.

Potential damage off the disturbed area. Yes ✓ No

Potential damage off the permit area. Yes ✓ No

B. DEGREE OF FAULT (Only one question applies to each violation, check one and discuss.)

() No Negligence

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember the permittee is considered responsible for actions of all persons working on the mine site.

(✓) Ordinary Negligence

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the lack of diligence or reasonable care. Explain.

Operator failed to notice and repair breaches before inspection
Area inactive so personnel are not on site daily

() Recklessness:

If the actual or potential environmental harm or harm to the public should have been evident to an operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.
2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.
Simple shovel could be used to seal breaches
3. Was the submission of plans prior to physical activity required by this NOV? Yes _____ No / If Yes, explain.

8/30/85
DATE

Thomas W. H. H. H.
AUTHORIZED REPRESENTATIVE

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